



## BELLA VISTA

*A place to call home*

DEPARTMENT OF COMMUNITY  
DEVELOPMENT SERVICES  
616 WEST LANCASHIRE BLVD.  
BELLA VISTA, AR 72715

## PLANNING COMMISSION WORK SESSION MEETING

**DATE:** NOVEMBER 3, 2016 AT 4:30 P.M.  
**LOCATION:** BELLA VISTA CITY HALL CONFERENCE ROOM  
101 TOWN CENTER  
BELLA VISTA, AR 72714

# AGENDA

### I. CALL TO ORDER

### II. ROLL CALL

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chair; Jaime Kemp, Secretary;  
Don Robinson; Gail Klesen; Shawki Al-Madhoun, PE; and Theresa Neal.

### III. MINUTES

A. Minutes from previous Work Session: September 1, 2016

### IV. UNFINISHED BUSINESS

A. Zoning District Code changes (Jennifer Bonner)

### V. NEW BUSINESS

- A. Sign Code changes (Chris Suneson/Jason Kelley)
- B. 2017 Development Calendar and meeting schedule (Jennifer Bonner)

### VI. OPEN DISCUSSION

### VII. ANNOUNCEMENTS

- A. There will not be a regular meeting of the Planning Commission on Monday, November 14, 2016, due to a lack of business.
- B. Next regular meeting of the Board of Zoning Adjustment will be held on Tuesday, November 15, 2016, at 7:00 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- C. Next City Council Work Session will be held on Monday, November 21, 2016, at 5:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- D. Next City Council Regular Session will be held on Monday, November 28, 2016, at 6:30 PM in the Bella Vista American Legion Hall at 1889 Bella Vista Way.
- E. Next Planning Commission Work Session will be held on Thursday, December 1, 2016, at 4:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.

### VIII. ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

4:30 P.M.

THURSDAY, NOVEMBER 03, 2016

DATE: SEPTEMBER 1, 2016  
LOCATION: CITY HALL CONFERENCE ROOM  
101 TOWN CENTER  
BELLA VISTA, ARKANSAS 72714

# MINUTES

## I. CALL TO ORDER

The meeting was called to order by Chairman Ellis at 4:30 PM.

## II. ROLL CALL

*Members present:* Daniel Ellis, P.E., Chairman; Doug Farner, Vice-Chairman; Shawki Al-Madhoun, P.E.; Theresa Neal; Don Robinson.

*Members absent:* Jaime Kemp, Secretary; Gail Klesen.

## III. CONSIDERATION OF MINUTES

### A. Agenda Session Minutes – July 28, 2016.

On a motion by Mr. Farner and a second by Mr. Al-Madhoun, the July minutes were approved by voice vote.

## IV. NEW BUSINESS

### A. PLA-2016-24023; Property Line Adjustment with Easement Dedications; Parcels #16-37766-000 and #16-37767-000; 16 and 17 Torrido Lane; Richard and Linda Swalve & Roger and Michelle Fox; Blew & Associates; Heath Myers.

1. Chairman Ellis asked for the Staff Report.
2. Ms. Bonner said the owners of lot 9 are proposing to transfer a portion of their property to the owners of lot 10 because of an encroachment of items into an area that lot 10 already believed was part of their property. There will be a vacation of some easements, and dedications of new ones. This will go before City Council, therefore the Planning Commission must make a recommendation to the Council. The applicant won't be doing anything with the road right-of-way, it is literally just the easements that are being taken care of. There are a few outstanding comments. There should be a surveyor's rep coming in this afternoon, who isn't my direct contact. Due to the vacation of easements, Cooper Communities is one of the entities that will have to sign off on the plat. Cooper's outstanding comments are on the back of the Staff Report.
3. Mr. Farner asked Ms. Bonner where the property is that is being transferred. Ms. Bonner pointed out the property on the plat that is included in the packet.
4. Chairman Ellis asked if there are any questions for Staff. Hearing none, he asked if the applicant is present. Ms. Bonner said the applicant is not present.

### B. CUP-2016-24068; Conditional Use Permit for Temporary Structures during Arts and Crafts Festival on October 15-18; Parcel #18-10300-002; Misty Baker.

1. Chairman Ellis asked for the Staff Report.



# Planning Commission

## Agenda Session

2. Ms. Bingham said this is the second year that the applicant has asked for a conditional use permit for the Arts and Crafts Festival at this location, but the festival has occurred at this location for the past 43 years. Staff has received 22 of the 32 green receipts back from the certified letters. The Affidavit of Publication was supplied to Staff by August 31<sup>st</sup>. Staff is scheduled to place the sign on the property on September 2, 2016. Staff is recommending approval of this conditional use permit.
3. Mr. Farner asked if the conditional use permit is for the property with the slash lines on it on the map. Ms. Bingham said yes, it's the entire parcel.
4. Chairman Ellis said yes, the crosshatched area is where all of the tents and vendors will be set up.
5. Mr. Farner asked if this is the same as the festival has done before. Ms. Bingham said yes, that is correct.
6. Ms. Bingham said all of the public access to the festival will be off of Forest Hills Blvd. There will be a couple of access points off of Rogers Road for the vendors to use.
7. Chairman Ellis asked if there are any questions for the applicant. Hearing none, we will move on.

### V. UNFINISHED BUSINESS

#### A. Zoning District Code Changes.

1. Chairman Ellis asked for Staff's update.
2. Ms. Bonner said I had hoped to have a lot more attachments for you guys, but my week just fell apart. I only have some short summary sheets for the Residential Estate and Residential Single-family districts so you can see what the changes would be. There are also some drawings in the packet where you can compare existing code to the proposed code changes for both RE and single-family. Has anyone had a chance to dig into the code changes? I know it was a lot at one time. I had hoped to be a lot farther along on this, and to have more pictures for comparisons, but I just couldn't get to that this week.
3. Mr. Robinson said to answer your question, no.
4. Ms. Neal said I tried, but I couldn't find it on the internet anywhere.
5. Ms. Bonner said since the changes were part of a previous packet, they may not be available on the City's website any longer. I can send it again if I need to.
6. Chairman Ellis asked when Staff intends to take this up at a public hearing. Ms. Bonner said as soon as the Planning Commission tells me if I am going in the right direction or not.
7. Chairman Ellis asked do we need to take these changes and break them up into more manageable sections. Staff is asking the Commission to review a rather large dissertation, and it's probably not going to happen.
8. Ms. Bonner said the other thing is, it's also a complete replacement of a section. There's really no way to shorten it into pieces because the new numbering won't match the old numbering.
9. Chairman Ellis asked if there are some logical places to break the changes up into sections so the Commission can review it a section at a time. Ms. Bonner said we can do all of the residential changes at one time; the commercial changes at another time; and the industrial at another time with the open space. I need input from the Planning Commission before I dig too far into breaking the changes into pieces.
10. Ms. Neal asked what the purpose is of these code changes. Ms. Bonner said what you have today was to try to summarize the big, long package you were previously given, but I didn't get very far. If you would like to see all of them in one table, I have one table



that has the old stuff versus the new stuff. I literally tried as much as possible to keep the existing like it was. A lot of this is adding a side street setback, a setback when you have a water body along a side or rear, and...

11. Ms. Neal asked what is with the coverage in greenspace. Is that something new? Ms. Bonner said coverages in greenspace is something new.
12. Ms. Neal asked why. Ms. Bonner said right now some zoning districts currently call for it, and some don't. So, I was trying to apply it uniformly. I never made it total 100% to allow for some wiggle room.
13. Chairman Ellis asked what has prompted us to go back and look at all of these code changes. Ms. Bonner said primarily because there isn't a zoning district that Old Bella Vista lots fit into. I was also trying to add an RO, Residential Office, district, and to better separate some of the commercial stuff out. I could tackle it in those three pieces, but it affected everything else when I did.
14. Chairman Ellis asked why are we making adjustments to residential estates for instance, and single-family. Ms. Bonner said in that particular case, for residential estates, we are just adding those new types of setbacks along a side street, along a waterbody, and green space. The only thing I am looking at changing in the residential single-family is calling it a different name beside "R-1." It could be called an "RSF" type label.
15. Mr. Al-Madhoun said the rear setback has also been changed. Ms. Bonner said we are looking at reducing the rear setback because we have a lot of people who come into our office and say 20' is an awful long way. When you have a narrow lot, it's hard to make your house fit with everything else. The only other major change was that rear setback.
16. Ms. Neal asked what prompted the maximum coverage in greenspace. Ms. Bonner said several districts had a maximum coverage, but it wasn't defined anywhere very well in the definitions. In the commercial stuff there was a lot that had a minimum greenspace, which was then defined by a residential district.
17. Ms. Neal asked if all of these changes are just in discussion right now. Ms. Bonner said yes, right now we are just in discussion.
18. Ms. Neal said I am just wondering why all of these changes.
19. Ms. Bonner said if the Planning Commission doesn't like it, we can scrap it and start over. Another thing is I-2 (Heavy Industry) is currently listed in the Code, but there's nothing that shows you what differentiates it from I-1.
20. Chairman Ellis asked are you basically rewriting an entire chapter of the Zoning Code. Ms. Bonner said yes, I am basically rewriting an entire chapter of the Zoning Code.
21. Ms. Neal said what I am getting is, if you have this new criteria you want to add they have to be consistent across all of the districts. Ms. Bonner said yes, I want to be consistent, which is the reason for all of this.
22. Chairman Ellis said I understand what you are saying about maximum coverage and greenspace, etc., but when someone comes in to build a house, what will you require of them in order to verify they are meeting the greenspace requirements? Ms. Bonner said if the property is on septic it wouldn't be an issue because the septic system will require what's needed for the greenspace.
23. Chairman Ellis said I understand on a commercial lot having an engineer/landscape architect do that, but we are just putting another burden on a home builder.
24. Ms. Bonner said if the property will have a septic system, there won't be an issue with meeting the greenspace requirement.
25. Chairman Ellis said if we put that requirement in the Code, then they will have to demonstrate that they've met that requirement.
26. Ms. Neal said and Staff will have to check it.



# Planning Commission

## Agenda Session

27. Ms. Bonner said that's is why I kept the greenspace as minimal as possible, and not total to 100%. It was really more for folks who are converting to sewer, and then want to pave their lot for all of their parking or what they want for accessory structures.
28. Ms. Neal said what if a person wants to add on to their house and it goes over the maximum coverage. Ms. Bonner said that's part of what Staff would have to figure out.
29. Chairman Ellis said I just don't know if I like this.
30. Ms. Bonner said if the Planning Commission doesn't like a particular item, it can just be eliminated completely.
31. A discussion continued about greenspace. It was determined that the minimum and maximum greenspace should only be set for commercial property.
32. Mr. Robinson said I don't like the idea of getting rid of R-1 because that's a pretty standard classification among builders.
33. Chairman Ellis said I don't know why we are doing anything with the residential districts.
34. Ms. Bonner said if the Planning Commission doesn't want it, we can eliminate it. The problem is there isn't a district that fits for the Old Bella Vista lots.
35. Chairman Ellis said I thought we were adding the Residential Cabins, or whatever.
36. Ms. Neal said what about "tiny houses."
37. Ms. Bonner said someone mentioned that they didn't like that classification either. I just need some direction. My problem with "tiny houses" is you have you make sure it's not confused with townhouses.
38. Mr. Farner said "tiny houses" doesn't work. It is the small lots. It's the size of the lot.
39. Ms. Bonner said it isn't the size of the lot that is the problem, it's the bulk area of what you can do on it.
40. Mr. Farner said the rules that Staff if trying to make is because of the size of the lot.
41. Ms. Bonner said that plays into it, but that's not all of it.
42. Chairman Ellis said I think we are going down a rabbit trail here. We just need to create a new district that covers Old Bella Vista. It could be called, "Special Residential," and then define what that is and make the tables fit it.
43. Ms. Bonner said if a lot of the other is eliminated, then we really are only looking at just those new zoning districts of Special for Old Bella Vista, Residential Office, whatever we are going to call the new commercial district, and I-2.
44. Chairman Ellis said I understand the R-O because we don't have an R-O right now. How many commercial districts do we currently have? Ms. Bonner said there are four.
45. Chairman Ellis said why would Staff want to add another commercial district. Ms. Bonner said currently C-2 and C-3 almost match. Another classification would help to better separate the lower end commercial from the upper end commercial.
46. Chairman Ellis said I don't understand why we would create a fifth commercial district. We don't have enough commercial land in Bella Vista to matter.
47. Ms. Neal said and the possibility of more commercial land is probably not going to happen.
48. Chairman Ellis said our neighbors to the south have four commercial districts, which Bella Vista very closely matches. Our neighbors are doing way more commercial than Bella Vista could ever hope to dream for.
49. A discussion continued on commercial districts. The Commissioners agreed that a fifth commercial district isn't needed in Bella Vista.

### VI. OPEN DISCUSSION

None.

## VII. ANNOUNCEMENTS

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- A. *Planning Commission regular meeting will be held on Monday, September 12, 2016, at 6:30 pm at the City Hall Conference Room.*
- B. *Board of Construction Appeals will be held on Tuesday, September 13, 2016, at 3:00 pm in the Community Development Services Conference Room.*
- C. *City Council Work Session will be held on Monday, September 19, 2016, at 5:30 pm in the City Hall Conference Room.*
- D. *Board of Zoning Adjustment will be held on Tuesday, September 20, 2016. Location and time to be determined as it will not have any business to discuss, but will have new board members.*
- E. *City Council Regular Session will be held on Monday, September 26, 2016 at 6:30 pm at the American Legion Hall at 1889 Bella Vista Way.*
- F. *Planning Commission work session scheduled for Thursday, September 29, 2016, at 4:30 pm at the City Hall Conference Room.*

## VIII. ADJOURNMENT

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The meeting was adjourned at 4:55 PM.

SUBMITTED BY:

\_\_\_\_\_  
Brenda Jorgensen  
Administrative Assistant  
Community Development Services Dept.

APPROVED AND ACCEPTED THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2016.

\_\_\_\_\_  
Daniel Ellis, P.E., Chairman  
Bella Vista Planning Commission

\_\_\_\_\_  
Jaime Kemp, Secretary  
Bella Vista Planning Commission





## BELLA VISTA

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DEPARTMENT OF COMMUNITY  
DEVELOPMENT SERVICES

616 WEST LANCASHIRE BOULEVARD  
BELLA VISTA, AR 72715

**DATE:** NOVEMBER 3, 2016

**TO:** PLANNING COMMISSION

**RE:** CHANGES IN MUNICIPAL CODE - CHAPTER 109

## STAFF REPORT

Over a year ago, Staff began reviewing Municipal Code Chapter 109 (Zoning) for way to address:

- 1) Areas that had been annexed but not placed into an existing zoning district beyond the default A-1, Agriculture District; and
- 2) The overlapping of commercial uses in several zoning districts; and
- 3) The possible need for a "buffer" zoning district between residential and commercial areas.

Staff in the past created draft language for an R-O (Residential-Office) zoning district as well as what was originally referred to as R-C (Residential-Cabins), but has been revised to SPR (Special Residential). After more general comments from the Planning Commission and some additional work that included the review of other zoning code, Staff is again ready to have you review draft language for:

- New use categories to support replacement Table of Uses (see below);
- New SPR (Special Residential District);
- Re-drafted R-O (Residential-Office District);
- Identifiable I-2 District (listed previously in the Industrial Districts list of zones, but without any information to "separate" from the I-1 zone); and
- Replacement table at the end of the chapter. The previous table contained an incomplete list of actual uses. The new table provides table of types of uses, are divided by general category, and also show when each type of use would be permitted, conditionally allowed, or prohibited.

These items will be discussed again during the Thursday, December 1<sup>st</sup>, Planning Commission Work Session at 4:30 PM. They will be considered and voted on following a public hearing at the regular meeting of the Planning Commission on Monday, December 12<sup>th</sup>, at 6:30 PM.

All of the following would be inserted at the end of Article I of Chapter 109. The last line of Article I would be revised to read:

Secs. 109-~~8~~<sup>19</sup> – 109-32. - Reserved.

Sec. 109-8. - Use types.

The purpose of the use types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. This section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

Sec. 109-9. - Determinations.

- (a) *Classification of uses.* In the event of any question as to the appropriate use types of any existing or proposed use or activity, the zoning administrator of the city shall have the authority to determine the appropriate use type. A determination of the zoning administrator may be appealed to the board of zoning adjustment. In making such determinations, the zoning administrator and board of zoning adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- (b) *Records.* The zoning administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

Sec. 109-10. - Agricultural use types.

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown; or the raising and feeding of livestock or poultry.

- (a) *Horticulture* means the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
- (b) *Crop production* means the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- (c) *Animal production* means the raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source, or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free range dairy farming, and poultry farming. Confined animal feeding operations shall only be allowed in industrial zones with a conditional use permit.
- (d) *Livestock sales* means the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

Sec. 109-11. - Residential use types.

Residential use types include uses providing wholly or primarily non-transient living accommodations. They include institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

- (a) *Single-family residential* means a single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit. Mobile home units, as defined by this section, are not a single-family residential use type.
- (b) *Duplex residential* means a residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on the same lot. This excludes manufactured or mobile home units, but does allow modular housing units.
- (c) *Townhouse residential* means the use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.
- (d) *Multiple-family residential* means a building with three or more dwelling units. Units may be



individually owned or rented. Each may only be occupied by one family. Units are separated by vertical side walls. A residence may provide a range of building types and may also provide support services to residents, including - but not limited to - food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The residence may accommodate food preparation in independent units or meal service in one or more common areas. Residences may include additional health care supervision or nursing care.

- (e) *Group residential* means the use of a site for the residence of more than seven unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a college and university use type.
- (f) *Mobile home park* means the use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a mobile home park is leased from the owner of the facility.

Sec. 109-12. - Civic use types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

- (a) *Administration* means governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- (b) *Cemetery* means the land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (c) *Clubs* means uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.
  - (1) *Clubs (recreational)* means clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
  - (2) *Clubs (social)* means clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.
- (d) *College and university facilities* means an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- (e) *Convalescent services*. A use providing bed care and inpatient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services or that provides care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.
- (f) *Cultural services* means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- (g) *Day care center* means the use type includes all classifications of day care facilities regulated by the state that operate providing care for five or fewer persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- (h) *Detention facilities* means a publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.
- (i) *Educational facilities* means a public, private, or parochial school offering instruction at the elementary school, junior high, and/or high school level(s) in the branches of learning study required to be taught in schools within the state.
- (j) *Emergency residential services* means a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

- (k) *Group care facility* means a facility licensed or approved by the state or other appropriate agency, which provides for the care and short- or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Group care facilities include facilities which provide for the:
  - (1) Room and board, personal care, habilitation services, and supervision in a family environment as a child foster care facility.
  - (2) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
  - (3) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
  - (4) Rehabilitation from the effects of drug or alcohol abuse.
  - (5) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
- (l) *Guidance / therapy services* means a use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- (m) *Health care* means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.
- (n) *Hospital* means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- (o) *Maintenance facilities* means a public facility, supporting maintenance, repair, vehicular, or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- (p) *Park services* means publicly-owned and operated parks, playgrounds, and open spaces.
- (q) *Postal facilities* means postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
- (r) *Public assembly* means facilities owned and operated by a public agency, charitable nonprofit or private organization, accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- (s) *Recreation services* means recreation facilities for organized sports, community centers, practice fields, and other open spaces dedicated to specific uses.
- (t) *Religious assembly* means a use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to the property tax code of the state shall constitute prima facie evidence of religious assembly use.
- (u) *Safety services* means facilities for training and conduct of public safety and emergency services including police and fire protection services, and emergency medical and ambulance services.
- (v) *Utilities* means any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

Sec. 109-13. - Office use types.

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

- (a) *General offices* means use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices, organization and association offices, or professional offices.



- (b) Financial services means provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An automatic teller machine (ATM) that is not accompanied on-site by an office of its primary financial institution is considered within the personal services use type.
- (c) Medical offices means use of a site for facilities which provides diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the state.

Sec. 109-14. - Commercial use types.

Commercial uses include the sale, rental, service, and distribution of goods and the provision of services other than those classified under other use types.

- (a) Adult entertainment businesses.
  - (1) Any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. For the purposes of this definition, specified anatomical areas include the following if less than opaquely covered: human genitals, the pubic region, pubic hair, or the female breast below a point immediately above the top of the areola.
  - (2) Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices, businesses which offer live performances characterized by exposure of specified anatomical areas, and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.
- (b) Agricultural sales and service. Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods, or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- (c) Auctioneering lots. Sale of items through a process of periodic auctions or bid procedures. Lots usually include large on-site storage or warehousing of items, materials, motor vehicles, equipment, and other facilities.
- (d) Automotive and equipment services. Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
  - (1) Automotive rental and sales. Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  - (2) Auto services. Provision of fuel, lubricants, parts, and accessories, and incidental services to motor vehicles, and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but exclude dismantling, salvage, or body and fender repair services. No vehicle may be stored more than 30 days. Strictly auto parts sales facilities (no repair services) are included under retail sales.
  - (3) Body repair. Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
  - (4) Equipment rental and sales. Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage,

maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments. With respect to subsection 38-143(c), the sale or rental of trucks shall only be applicable. All other land uses under equipment rental and sales are exempt for this provision.

- (5) Equipment repair services. Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
- (e) Bed and breakfast. A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than 14 consecutive days during any one-month period. Also, food is served only to overnight guests.
- (f) Business support services. Establishments or places of business primarily engaged in the sale, rental, or repair of equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments to the firms themselves, but excluding automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.
- (g) Business or trade schools. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- (h) Campground. Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.
- (i) Commercial recreation. Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled impact commercial recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. High-impact commercial recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical controlled uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, miniature golf courses, and private golf courses. Typical high-impact uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.
- (j) Communications services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but exclude those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures, are classified as "miscellaneous use types."
- (k) Construction sales and services. Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials sales or tool and equipment rental or sales.
- (l) Consumer services. Establishments that provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- (m) Convenience storage/mini-storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use of such areas as



workshops, hobby shops, manufacturing, or commercial activity. Establishments may also include the storage and/or display of boats, campers, and motorized recreational vehicles. Typical uses include mini-warehousing.

- (n) Food sales. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
  - (1) Convenience food sales. Establishments occupying facilities characterized by sales of specialty foods or a limited variety of general items, and the sales of fuel for motor vehicles.
  - (2) Limited food sales. Establishments occupying facilities characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
  - (3) General food sales. Establishments selling a wide variety of food commodities and related items. Typical uses include grocery stores and locker plants.
- (o) Funeral services. Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (p) Gaming facilities. Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities may include the accessory sale of liquor and food, pursuant to regulations of the city and/or the state.
- (q) Kennels. An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.
- (r) Laundry services. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- (s) Liquor sales. Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.
- (t) Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include hotels, apartment hotels, and motels.
- (u) Pawn shop. A business that loans money on deposit, pledge of personal property, or other thing of value, or that deals in the purchasing of personal property or other things of value, on condition of selling the same back at a stipulated price, or that receives actual possession of personal property as security for loans with or without a bill of sale.
- (v) Personal improvement services. Establishments primarily engaged in the provision of informational, instructional, personal improvements, and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft, and hobby instruction.
- (w) Personal services. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry-cleaning stations serving individuals and households. Personal services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the state when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed, or persons performing massage services or therapy pursuant to the written direction of a licensed physician.
- (x) Pet services. Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- (y) Research services. Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing

- laboratories, or pharmaceutical research labs.
- (z) Restaurants. A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use.
    - (1) Restaurant (drive-in or fast food). An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
    - (2) Restaurant (general). An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to drive-in or fast food restaurants. Typical uses include cafes, coffee shops, and restaurants.
  - (aa) Retail services. Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use, but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics, and like items; cameras, photograph services, and household electronic equipment; records; sporting equipment; kitchen utensils; home furnishing and appliances; art supplies and framing and arts and antiques; paint and wallpaper, hardware, carpeting, and floor covering; interior decorating services; and office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General retail services include:
    - (1) Limited retail services. Establishments providing retail services for specialty retailing or retailing oriented to the City and its surrounding vicinity.
    - (2) General retail services. Establishments providing retail services, occupying facilities in a single establishment or multi-tenant facility that provide for specialty retailing or general retailing oriented to the City and its surrounding vicinity.
  - (bb) Stables and/or riding academies. The buildings, pens, and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.
  - (cc) Surplus sales. Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.
  - (dd) Taverns. A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
  - (ee) Trade services. Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.
  - (ff) Travel centers and Truck stops. Facilities that provide for the sale of fuel, provisions, and supplies to motorists, including operators of over-the-road trucks. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes. See also convenience food sales.
  - (gg) Vehicle storage (short-term). Short-term storage of operating or non-operating vehicles for a period of no more than 30 days. Typical uses include storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage. Long-term storage beyond 30 days constitutes an industrial use type.
  - (hh) Veterinary services (general). Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, and pet cemeteries and crematoria.
  - (ii) Veterinary services (large animal). Veterinary services and hospitals for large animals such as cows,



bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

Sec. 109-15. - Parking use types.

- (a) Off-street parking. Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.
- (b) Parking structure. The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

Sec. 109-16. - Industrial use types.

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

- (a) Agricultural industry. Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators and storage of agricultural chemicals, such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.
- (b) Construction yards. Establishments housing the facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.
- (c) Custom manufacturing.
  - (1) Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
    - a. The use of hand tools, or
    - b. The use of domestic mechanical equipment not exceeding two horsepower, or
    - c. A single kiln not exceeding eight KW or equivalent.
  - (2) This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle-making shops.
- (d) Light industry. Establishments engaged in the manufacture or processing of finished products from previously-prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- (e) General industry. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products.
- (f) Heavy industry. Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
- (g) Recycling collection. Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to, glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- (h) Recycling processing. Any site which is used for the processing of any post-consumer, non-durable goods including but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- (i) Resource extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining,

and removal of dirt for off-site use.

- (j) Salvage yard. Any place not fully enclosed in a building, which is used in whole or in part for the storage or deposit of junk encompassing either (1) an area of 200 square feet or more, or (2) one or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of one or more motor vehicles.
- (k) Vehicle storage (long-term). Long-term storage of operating or non-operating vehicles for a period exceeding 30 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of 30 days or less constitutes a commercial use type.
- (l) Warehousing (office records). The storage of office paper records in file boxes.
- (m) Warehousing (enclosed). Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.
- (n) Warehousing (open). Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards and open storage.

Sec. 109-17. - Transportation use types.

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

- (a) Aviation (private). Take-off or landing strips or fields within a parcel generally put to other uses, and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips for gliders, unmanned and remote-controlled aircraft, experimental equipment, weather balloons, powered parachutes, and/or ultralight aircraft. These aircraft could be models, replicas, or full-scale versions.
- (b) Trails. Facilities for bicycling, hiking, mountain biking, walking, and/or other non-motorized vehicles.
- (c) Transportation terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
- (d) Truck terminal. Facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

Sec. 109-18. - Miscellaneous type uses.

- (a) Alternative energy production devices. The use of a site for the production of energy-utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, wind-generators, and water-powered mills or generating facilities.
- (b) Amateur radio tower. A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed amateur radio operators.
- (c) Communications tower. A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.
- (d) Construction batch plant. A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.
- (e) Landfill (putrescible and non-putrescible solid waste disposal). The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations, except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the state. Typical disposal material would include non-putrescible wastes such as ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile as well as putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.



### **SPR, Special Residential District.**

- (a) *District purposes.* This district is designed to provide a medium-density residential area that accommodates structures that may have existed since the 1920's. This district is limited in location to the areas platted on the Fourth Revised Map of Bella Vista recorded in Plat Book A on Page 83. The area of the map is generally known as "Old Bella Vista." Permitted uses in this district include, but are not limited to single-family detached dwellings, home occupations, and some recreational uses that might be allowed by a conditional use permit where the property abuts public outdoor areas.
- (b) *Bulk and area regulations.*
  - (1) *Lot and area requirements:*
    - a. The minimum lot size shall be no less than five thousand square feet (5,000 sq. ft.) in size.
    - b. The minimum street frontage shall be no less than fifty feet (50').
    - c. The minimum lot width shall be no less than fifty feet (50'). Lot width is measured at the building setback.
    - d. The minimum lot depth shall be no less than one hundred feet (100').
    - e. At least ten percent (10%) of the parcel area shall be left undeveloped as green space.
    - f. Maximum lot coverage shall be no more than seventy-five percent (75%) of the parcel area.
    - g. No lot existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth in these regulations. Lots created after the effective date of the ordinance from which this article is derived shall meet the minimum requirements established by this article.
  - (2) *Setback requirements:*
    - a. Minimum front setback from all property lines shall be fifteen feet (15').
    - b. A minimum side setback of twelve feet (12') shall be established parallel to all street right-of-way lines.
    - c. A minimum side setback of eight feet (8') shall be established parallel to side property lines.
    - d. A minimum rear setback of ten feet (10') shall be established parallel to rear property lines.
    - g. *Setbacks along bodies of water.* Lots or parcels with access to bodies of water shall have at least twenty-five foot (25') setback from the water's edge in which no primary and accessory structures may be built, except as provided in section 109-185.
  - (3) *Height requirements.* The maximum height permitted in this residential district is thirty feet (30').

### **R-O, Residential Office District.**

- (a) *District purposes.* This district is intended to provide for development of small offices with minimal traffic increase to the neighborhood that also serves as a transition area between residential areas and true retail and commercial developments. Services should primarily support local needs in locations that also supports the residential area while being visible to or directly accessible from major transportation routes. These locations are to be adjacent to residential areas and therefore, this district contains performance criteria in order to ensure compatibility. It is further intended that this area's boundaries are limited so as to not encroach upon the existing residential areas. Permitted uses in this district include those allowed in residential districts in addition to - but not limited to - bed and breakfasts; daycare for children and adults; personal services (beauty salons, photography studios, animal health and grooming, therapists) that can meet the home occupation definition listed elsewhere; community center (recreation or senior service centers); and a limited number of other uses may be allowed by conditional use permit only.
- (b) *Bulk and area regulations.*
  - (1) *Lot and area requirements:*
    - a. The minimum lot size shall be no less than 14,000 square feet (1/3 or 0.32 acres) in size.
    - b. The minimum street frontage shall be no less than fifty feet (50').
    - c. The minimum lot width shall be no less than fifty feet (50'). Lot width is measured at the building setback.
    - d. The minimum lot depth shall be no less than one hundred feet (100').
    - e. At least fifteen percent (15%) of the parcel area shall be left undeveloped as green space.
    - f. Maximum lot coverage shall be no more than sixty percent (60%) of the parcel area.
  - (2) *Setback requirements:*
    - a. Minimum front setback from all property lines shall be twenty feet (20').
    - b. A minimum side setback of fifteen feet (15') shall be established parallel to all street right-of-way lines.
    - c. A minimum side setback of fifteen feet (15') shall be established parallel to side property lines that are adjacent to a non-residential district.
    - d. A minimum side setback of ten feet (10') shall be established parallel to side property lines that are adjacent to a residential district.
    - e. A minimum rear setback of twenty feet (20') shall be established parallel to rear property lines that are adjacent to a non-residential district.
    - f. A minimum rear setback of fifteen feet (15') shall be established parallel to rear property lines that are adjacent to a residential district.
    - g. *Setbacks along bodies of water.* Lots or parcels with access to bodies of water shall have at least twenty-five foot (25') setback from the water's edge in which no primary and accessory structures may be built, except as provided in section 109-185.
  - (3) *Height requirements.* Maximum forty feet (40').



## **I-2, Heavy Industrial District.**

- (a) *District purposes.* This district is designed primarily to minimize the high risk of deleterious, hazardous and environmentally objectionable uses of general manufacturing processes and storage facilities as well as provide for warehousing, heavy equipment repair and transportation facilities.
- (b) *Bulk and area regulations.*
  - (1) *Lot and area requirements:*
    - a. The minimum lot size shall be no less than 65,340 square feet (1.5 acres) in size.
    - b. The minimum street frontage shall be no less than one hundred feet (100').
    - c. The minimum lot width shall be no less than one hundred feet (100'). Lot width is measured at the building setback.
    - d. The minimum lot depth shall be no less than one hundred feet (100').
    - e. At least twenty percent (20%) of the parcel area shall be left undeveloped as green space.
    - f. Maximum lot coverage shall be no more than seventy-five percent (75%) of the parcel area.
  - (2) *Setback requirements:*
    - a. Minimum front setback from all property lines shall be sixty feet (60').
    - b. A minimum side setback of forty-five feet (45') shall be established parallel to all street right-of-way lines.
    - c. A minimum side setback of twenty-five feet (25') shall be established parallel to side property lines that are adjacent to a non-residential district.
    - d. A minimum side setback of one hundred feet (100') shall be established parallel to side property lines that are adjacent to a residential district.
    - e. A minimum separation of at least forty feet (40') shall be maintained between buildings within a single development.
    - f. A minimum rear setback of sixty feet (60') shall be established parallel to rear property lines that are adjacent to a non-residential district.
    - g. A minimum rear setback of one hundred fifty feet (150') shall be established parallel to rear property lines that are adjacent to a residential district.
    - h. *Along bodies of water.* Lots or parcels with access to bodies of water shall have at least fifty foot (50') setback from the water's edge in which no primary or accessory structures may be built, except as provided in section 109-185.
  - (3) *Height requirements.* Maximum sixty feet (60').

# APPENDIX A. - TABLE OF PERMITTED USES

Key-to Uses:	Zoning Districts:	
P = Permitted Use C = Conditional Use Blank = Not Permitted	P-1, Open-space	A-1, Agricultural
	R-E, Residential Estate	R-1, Residential Single-family
	R-2, Residential Two-family	R-3, Residential Multi-family
	R-MH, Residential Manufactured Home	C-1, Neighborhood Commercial
	C-2, Light Commercial	C-3, Central Commercial
	C-4, Shopping Center	I-1, Light Industrial
	I-2, Heavy Industrial	

TYPE OF USE	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	C-1	C-2	C-3	C-4	I-1	I-2
Accessory building, non-residential	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory building, residential		P	P	P	P	P	P	P	P	P	P	P	P
Accessory use									P	P			
Adult day care center		C				C		P	P	P		C	
Agricultural products processing		P										P	P
Agriculture		P											
Animal clinic or hospital		P						P	P	P	P	P	P
Animal domestic or household		P	P	P	P	P	P	P	P	P	P	P	P
Animal grooming		P						P	P	P	P	P	P
Animal farm		P	C										
Animal boarding, kennels, rescue, or shelter		P						C	C	P	P	P	P
Animal exotic or wild by nature		C											
Apiculture		P	P	P									
Appliance repair									P	P	P	P	P
Arboretum or botanical garden		P		C	C	C		P	P	P	P	P	P
Arena/auditorium		C							C	C	P	P	
Armored car service									P	P	P	P	P
Art gallery, museum or similar public use		C		C	C	C		P	P	P	P	P	P
ATM machine								P	P	P	P	P	
Auctioneer		P							P	P	P		
Auto painting or body rebuilding shop										C	P	P	P
Auto glass or muffler shop										P	P	P	
Auto parts and accessory sales										P	P	P	
Automobile and motorcycle display, sales or service (new or used)										P	P	P	
Auto repair garage										P	P	P	P
Banks and financial institutions								P	P	P	P		
Bar, lounge or tavern								C	P	P	P	P	
Beauty salons, barbers and spas								P	P	P	P		
Bed and breakfast		C						P	P	P	P	P	
Blueprinting, photocopying, and similar reproductive service								C	P	P	P	P	
Breeding facility		P						C	C	P	P	P	P
Boathouses	P	P	P	P	P	P	P	P	P	P	P	P	P
Boat rental or storage									C	C	C		
Building materials, retail sales									P	P	P	P	
Building materials or lumber, wholesale sales										P	P	P	P
Building services including janitorial services, floor waxing, and office cleaning								P	P	P	P	P	
Bus, truck, sales, service, rental repair, storage									C	C	C	P	
Car wash									C	P	P	P	P
Carting, crating, express handling, moving, or storage									C	C	C	P	P
Catering service	P				C	C		P	P	P	P	P	P
Cement plant												P	P
Cemetery or mausoleum		C		C	C	C		C	C	C	C	C	
Cesspool cleaning establishment		C										C	
Chickens, hobby	P	P	P										
Child care facility	C							P	P	P	P	C	
Cold storage plant												P	P
Commercial cleaning services and storage										C	C	P	P
Community center, public		C		C	C	C		P	P	P	P	P	
Community welfare or health center		C				C		P	P	P	P	P	
Construction equipment office or sales									P	P	P	P	P
Construction equipment repair or storage												P	P
Contract sorting, grading, and packing of fruits and vegetables for grower	P											P	P
Contractor maintenance yard												P	P



TYPE OF USE	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	C-1	C-2	C-3	C-4	I-1	I-2
Convalescent / maternity / nursing home		G						P	P	P	P		
Convenience store								G	P	P	P	P	
Club, public or private		G			G	G		G	G	G	G	G	
Crematory									G	G	G	G	G
Delivery service								G	P	P	P	P	P
Detective or protective service								P	P	P	P	P	P
Diaper service								G	G	G	G	G	
Disinfecting, deodorizing, or exterminating service									G	G	G	P	P
Drafting service								P	P	P	P	P	
Docks and dockside recreational improvements	P	P	P	P	P	P	P	P	P	P	P	P	P
Drugstore or pharmacy								P	P	P	P	P	
Dry goods store								P	P	P	P	P	
Dry cleaning, pickup or self-service								P	P	P	P	G	
Duplex					P	P		P	P	P			
Dwelling, accessory		P	P	P	P	P	P	P	G	G		G	
Dwelling, single family		P	P	P	P	P	P	P	P				
Dwelling, two family		P			P	P		P	P	P	P		
Dwelling, manufactured							P						
Dwelling, multi family (3 units or more)						P		P	P	P	P		
Electric regulating substation		G	G	G	G	G	G	G	G	G	G	G	G
Electric utility maintenance/storage facility		G								G	G	G	G
Farming	P												
Financial institution								P	P	P	P		
Fire extinguisher service									G	G	G	P	P
Fishery	P												
Food products: retail as primary use and baking and cooking as secondary use								P	P	P	P	P	
Food products: manufacturing												G	G
Funeral home								G	P	P	P		
Golf courses, clubhouse	P	G	G	G	G	G							
Greenhouse, residential or commercial		P						G	P	P	P		
Hardware store									P	P	P		
Hardware, industrial sales									G	G	G	P	P
Hay, grain, or feed store	P									P	P	P	
Hazardous material storage												G	G
Health studio or spa								P	P	P	P	P	
Highway or street maintenance garage, yard, or similar facility										G	G	G	G
Home occupation		P	P	P	P	P	P						
Hospital									P	P	P	P	
Hotel/motel									P	P	P	P	
Household cleaning services								P	P	P	P	P	
Insurance agencies								P	P	P	P	P	
Industrial cleaning plants												P	P
Junk or salvage yard												G	G
Laboratory, dental or medical									P	P	P	P	
Laboratory, manufacturing									G	G	G	P	P
Laboratory, research									P	P	P	P	
Livestock		P	G										
Machinery sales and service										G	G	P	P
Manager/caretaker residence		G							G	G	G	G	
Manufactured home sales, service, and manufacturing												P	P
Manufactured home park							P						
Manufacturing												G	P
Mining		G										G	G
Mini warehouse storage		G								G	G		
Monument works												P	P
Motor freight terminal												P	P
Newspaper offices/print shop								G	P	P	P	P	
Office, general								P	P	P	P	P	
Office, warehouse												P	P
Parking facility (as principal use)									G	P	P	P	
Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	
Pet shop								P	P	P	P	P	P
Petroleum products: storage and wholesale												G	G



TYPE OF USE	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	C-1	C-2	C-3	C-4	I-1	I-2
Photography studio								P	P	P	P	P	P
Plumbing, electrical, air conditioning, heating sales and service									P	P	P	P	P
Public buildings, government services		C	C	C	C	C	C	C	C	C	C	C	C
Public safety facilities		C	C	C	C	C	C	C	C	C	C	C	C
Public utilities facilities		C	C	C	C	C	C	C	C	C	C	C	C
Recreational facilities, indoor								P	P	P	P	P	P
Recreational facilities, outdoor	C	C							C	C	C	C	C
Recreational vehicle parks										C	C	P	P
Recycling and reclamation												P	P
Religious facilities		C	C	C	C	C	C	C	C	C	C	C	C
Restaurant		C						P	P	P	P	P	P
Restaurant, drive-in									P	P	P	P	P
Retail store, products								P	P	P	P	P	P
School facility		C	C	C	C	C	C	C	C	C	C	C	C
Service office (acct., dentist)								P	P	P	P	P	P
Service station/gas station		C							C	P	P	P	P
Sexually-oriented business													C
Shelter						C	C	P	P	P	P	C	C
Solid waste disposal												C	C
Slaughterhouse		C										C	C
Stable, commercial		P											
Studio: cultural, broadcasting and recording								P	P	P	P	P	P
Transition facility/rehab		C								C	C	C	C
Temporary uses		C	C	C	C	C	C	C	C	C	C	C	C
Theater									P	P	P	P	P
Transportation facilities excluding airports										C	C	P	P
Truck freight terminal												P	P
Truck stop, sales and service												P	P
Vehicle salvage												C	C
Warehousing												P	P
Wastewater facilities		C										C	P
Water filtration plant, pump station, elevated storage, treatment, plant, or reservoir		C	C	C	C	C	C	C	C	C	C	C	C
Wind generators and pumping equipment		C	C	C	C	C	C	C	C	C	C	C	C
Wireless telecommunications facilities (cell tower)		C	C	C	C	C	C	C	C	C	C	C	C

Key to Uses:	Zoning Districts:	
P = Permitted Use C = Conditional Use Blank = Not Permitted	P-1, Open space	A-1, Agricultural
	R-E, Residential Estate	R-1, Residential Single-family
	R-2, Residential Two-family	R-3, Residential Multi-family
	R-MH, Residential Manufactured Home	<b>R-O, Residential Office</b>
	C-1, Neighborhood Commercial	C-2, Light Commercial
	C-3, Central Commercial	C-4, Shopping Center
	I-1, Light Industrial	I-2, Heavy Industrial

Zoning Districts	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	R-O	C-1	C-2	C-3	C-4	I-1	I-2
<b>Agricultural Uses</b>														
Horticulture	P	P	P	P	P	P	P							
Crop Production	P	P	P	P	P	P	P							
Animal Production		C	C										C	
Livestock Sales		C	C										C	
<b>Residential Uses</b>														
Single-Family		P	P	P	P	P	P	P	P	P	P	P	C	C
Duplex					P	P		P	P	P	P	P		
Townhouse						P		P		P	P	P		
Multiple-Family						P				P	P	P		
Group Residential	C					P				P	P	P		
Mobile Home Park							P				P	P		



Zoning Districts	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	R-O	C-1	C-2	C-3	C-4	I-1	I-2
<b>Civic Uses</b>														
Administration	P	C	C	C	C	C	C	P	P	P	P	P	P	P
Cemetery	P	C	C	C	C	C	C		C	P			P	
Clubs (Recreational)	P	C	C	C	C	C	C		P	P	P	P	P	P
Clubs (Social)	P	C	C	C	C	C	C	P	C	P	P	P	P	
College/University		C	C	C	C	C	C		C	P		C	P	P
Convalescent Services	C			C	C	C			P	P	C	C		
Cultural Services	P	C	C	C	C	C	C		C	P	P	P	P	
Day Care		C	C	C	C	C	C	P	P	P	P	P	P	
Detention Facilities													C	
Education				C	C	C	C		P	P	P	P		
Emergency Residential					C	C			C	P		P	P	
Group Care Facility	P			P	P	P	P		P	P	P	P	P	
Guidance & Therapy Services								P	C	P	P	P		
Health Care				C	C	C	C	P	C	P	P	P	P	
Hospital				C	C	C	C		P	P		C	P	
Maintenance Facility													P	P
Parks	P	C	C	C	C	C	C		C	P	P	P	P	
Postal Facilities								P	P	P	P	P	P	
Public Assembly	P							P	P	P	P	P	P	
Recreation	P	C	C	C	C	C	C		C	P	P	P	P	
Religious Assembly	C	C	C	C	C	C	C	P	P	P	P	P	P	
Safety Services	C	C	C	C	C	C			P	P	C	P		
Utilities	P	C	C	C	C	C	C	P	C	P	P	C	P	P
<b>Office Uses</b>														
General Offices	P							P	P	P	P	P	P	
Financial Services								P	P	P	P	P	P	
Medical Offices								P	P	P	P	P	P	
<b>Commercial Uses</b>														
Adult Entertainment													C	
Ag Sales/Service		P								P			P	P
Auctioneering Lots										P			P	P
Auto Rental & Sales								C		P			P	P
Auto Services										P			P	P
Body Repair										P			P	P
Equip Rental & Sales	C							C		P			P	P
Equipment Repair													P	P
Bed and Breakfast	C				C	C			P	P	P	P	P	
Business Support Services	C							P	P	P	P	P		
Business & Trade School								P	P	P	P	P	P	
Campground	P	C												
Commercial Rec (Controlled Impact)	P							P	P	P	P	P	P	
Commercial Rec (High Impact)	C	C	C							C		C	P	
Communication Service							C	P		P		P	P	P
Construction Sales & Service								C		P			P	P
Consumer Service									P	P	P	P	P	P
Convenience Storage						C			C	P	C	C	P	
Food Sales (Convenience)									P	P			P	
Food Sales (Limited)								P	P	P	P	P	P	
Food Sales (General)								C	P	P	P	C	P	
Funeral Service				C	C	C			P	P		C	P	C
Gaming Facilities	C									P		P	P	
Kennels	P							C					P	P
Laundry Services								C	P	P		P	P	P
Liquor Sales								C	P	P		P	P	P
Lodging									P	P	P	P	P	



Zoning Districts	P-1	A-1	R-E	R-1	R-2	R-3	R-MH	R-O	C-1	C-2	C-3	C-4	I-1	I-2
Pawnshop	C							C	P	P		P	P	P
Personal Improvement	P							P	P	P	P	P	P	
Personal Services	C							P	P	P	P	P	P	
Pet Services	P							C	P	P		P	P	
RV Storage							C	C		C			P	P
Research Services	C							P				C	P	P
Restaurants (Drive-in)									P	P		C	P	
Restaurants (General)	C							C	P	P	P	P	P	
Retail Services (Limited)								P	P	P	P	P	P	
Retail Services (General)								C	P	P	C	C	P	
Stables	P	P	P										P	P
Surplus Sales								C		P			P	P
Taverns									C	P	C	P	P	P
Trade Services								P		P			P	P
Travel Centers & Truck Stops										P			P	P
Vehicle Storage (Short-term)										P			P	P
Veterinary Services (General)	P	P						C	C	P			P	P
Veterinary Services (Large)	P	P											P	P
<b>Parking Uses</b>														
Off-Street Parking	C							C	P	P	P	P	P	P
Parking Structure	C							P			P	P		
<b>Industrial Uses</b>														
Agricultural Industry	P	C												P
Construction Yards													P	P
Custom Manufacturing	C							P		P	P	P	P	P
Light Industry								P					P	P
General Industry													C	P
Heavy Industry														P
Recycling Collection										P			P	P
Recycling Processing													P	P
Resource Extraction	C	C												P
Salvage Yards													C	C
Vehicle Storage (Long-term)													P	P
Warehousing (Office Records)								P		P		C	P	P
Warehousing (Enclosed)*												C	P	P
Warehousing (Open)*													P	P
<b>Transportation Uses</b>														
Aviation (Private)	P													
Trails for biking & cycling	P													
Transportation Terminal										C			P	P
Truck Terminal													P	P
<b>Miscellaneous Uses</b>														
Alternative Energy Production	C	P											P	P
Communications Tower	C	C	C	C	C	C	C	P	C	C	C	C	P	P
Construction Batch Plant													P	P
Landfill (Non-Putrescible)														C
Landfill (Putrescible)														C

## Summary Table of Zoning Code Changes

			Lot & Area Requirements							Min. Setbacks (feet) when not platted before 2008							Height			
Current Zoning Code Section	Revised Zoning Code Section	District	Density (units per acre)	Min. Lot Area (sq. ft. or acre)	Min. Street Frontage (feet)	Min. Lot Depth (feet)	Min. Lot Width (feet)	Max. Lot Coverage (%)	Min. Greenspace Coverage (%)	Front			Side			Rear		Adjacent to Waterbodies	Max. Height (feet)	
										Street Side	Adjacent to Non-residential	Adjacent to residential	Adjacent to Residential	Between bldgs. in one development	Adjacent to Non-residential	Adjacent to Residential				
71	71	P-1	0	N/A	N/A	N/A	N/A	5	70	50	50	50	50	50	N/A	50	50	25 or 50	25	
72	72	A-1	1	5	100	100	100	30	N/A	30	30	30	30	30	N/A	30	30	N/A	40	
73(b)(1)	74	R-E	1	43,560	50	50	100	20-25	N/A	50	20	20	20	20	N/A	50	50	N/A	40	
73(b)(2)	75	R-1	3	14,000	50	50	100	35	N/A	20	40	15	10	10	N/A	20	20	25	40	
73(b)(3)	76	R-2	6	14,000	50	50	100	35	N/A	20	40	15	10	10	N/A	20	20	25	50	
	73	SPR		5,000	50	50	100	75	10	15	12	8	8	8	N/A	10	10	N/A	30	
73(b)(4)	77	R-3	16	87,120	50	50	100	40	N/A	20	20	15	20	15 or 0	N/A	20	20	N/A	60	
73(b)(5)	78	R-MH	3	14,000	50	50	100	35	N/A	20	40	15	10	10	N/A	20	20	25	40	
	79	R-O	3	14,000	50	50	100	60	15	20	15	15	10	10	N/A	20	15	N/A	40	
74(b)(1)	80	C-1	N/A	1	100	100	100	60	45-25	50-35	25	20	50-25	50-25	N/A-20	20	50-25	N/A	40	
74(b)(2)	81	C-2	N/A	4-1.5	100	100	100	60	45-20	50-40	25-30	20	50-25	50-25	N/A-20	20-25	50-30	N/A	40	
74(b)(3)	82	C-3	N/A	4-2	100	100	100	65	40-15	50-45	25-35	20-25	50-35	50-35	N/A-20	25-30	50-40	35	50	
74(b)(4)	83	C-4	N/A	4-3	100	100	100	65	10	50	25-40	20-30	50-40	50-40	N/A-30	25-35	50	45	60	
75(b)(1)	84	I-1	N/A	4-2	100	100	100	75	15	50	25-40	20-30	100	100	N/A-40	50	100	40	45	
	85	I-2	N/A	3	100	100	100	75	20	60	45	25	100	100	40	60	150	50	60	
77	86	PZD								unchanged										

black text is existing

red text would be replaced by the blue text following it

blue text would replace the red text it follows

if entire row is blue, this is a new district

I-2 previously existed in Table of Uses but not as a separate code section from I-1





**BELLA VISTA**

*A place to call home*

DEPARTMENT OF COMMUNITY  
DEVELOPMENT SERVICES

616 WEST LANCASHIRE BOULEVARD  
BELLA VISTA, AR 72715

**DATE:** NOVEMBER 3, 2016

**TO:** PLANNING COMMISSION

**RE:** CHANGES IN SIGN CODE – ARTICLE IX OF CHAPTER 109

## STAFF REPORT

In June 2015, the United States Supreme Court ruled in the case of *Reed v. Town of Gilbert (Arizona)* on what municipalities may impose in the way of restrictions by their sign code. In short, sign codes should not be enforced based on the *content* of the sign. As a result, the City's Legal Staff began reviewing our existing Municipal Code Chapter 109 (Zoning) Article IX (Signage) to see what needed to be revised for our code to become compliant with the Supreme Court ruling.

The attached document represents the code's replacement language so that our sign code would become compliant with the Supreme Court ruling. While working on these revision, the Legal Staff determined that at some future undetermined date, they will most likely be returning with additional, substantive changes to the code so that signage restrictions are more uniform in size, placement, height, type, permission, etc.

This item will be discussed again during the Thursday, December 1<sup>st</sup>, Planning Commission Work Session at 4:30 PM. It will also be considered and voted on following a public hearing at the regular meeting of the Planning Commission on Monday, December 12<sup>th</sup>, at 6:30 PM.



## ARTICLE IX. - SIGNS

### Sec. 109-281. - Purpose.

The purpose of this article is to promote the well-being of the community by establishing standards that ensure the provision of signs while also safeguarding the rights of the people in the community to a safe, healthful and attractive environment. This article provides standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility and enhancing the city's image. Within this overall framework, it is the intent of these regulations to:

- (1) Encourage creative and well-designed signs that contribute in a positive way to the city's visual environment;
- (2) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood;
- (3) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (4) Protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- (5) Protect the right of individuals to privacy and freedom from nuisances;
- (6) Protect the value of property and improvements thereon; and
- (7) Provide an efficient and effective means of administration and enforcement.

### Sec. 109-282. - General regulations affecting all signs.

- (a) Compliance and nonconforming signs. All signs erected after the effective date of the ordinance from which this section is derived must be in compliance with city codes. Signs which were lawful at the time of their construction or placement but are not in conformance with current ordinances shall be permitted as nonconforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, has a change of use of the site, or have become obsolete.
- (b) Design and construction.
  - (1) All signs shall comply with the Arkansas Fire Prevention Code and the National Electrical Code.
  - (2) Signs shall be permanently affixed to the ground or building except for the following which are explained in following sections of this article:
    - a. Temporary signs; and
    - b. Window signs.
- (c) Changeable copy signs. Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:
  - (1) Manual copy change. Each message must be displayed at least seven days except a gas station may change its copy as needed.
    - a. Area: No more than fifty percent (50%) of the area of a sign shall be devoted to changeable copy.
    - b. Theatres: Signs for theaters may devote up to 80 percent of a sign area to changeable copy.
  - (2) Electronic copy change.
    - a. Fluctuating illumination is prohibited.
    - b. Copy rotation. Each message shall be displayed for at least three seconds before alternating to the next message. For scrolling signs, messages shall be permitted to

scroll from one direction onto the message board so long as the message remains on the message board for at least three seconds before scrolling off.

- c. Lumens. Screen may not be brighter than five lumens measured at any point along the public right-of-way.
- d. Screen size. Screen shall be no more than fifty percent (50%) of the total size of the sign, not to exceed twenty-four (24) square feet.

(d) Illumination.

- (1) Source. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety or infringes on neighboring residential districts. External, down-lighting is preferred.
  - (2) Internal illumination. Internally illuminated signs in all districts shall have an opaque background and translucent copy.
  - (3) External illumination. External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way. Down lighting is preferred. Installation shall comply with the requirements of the Arkansas Shielded Outdoor Lighting Act, ACA §8-14-101, et seq.
  - (4) Strung lights. Signs shall not be illuminated by a string of lights placed around the sign.
  - (5) Lighting adjacent to residential areas. Sign lighting shall not be a nuisance to adjacent neighboring residential areas and shall be at least 400 feet beyond a boundary designating a residential district or at the farthest point of the commercial property from the residential district.
- (e) Maintenance. All signs, whether or not a permit is required, shall be maintained in good condition, shall be legible, kept free of cracked or peeling paint, kept free of missing or damaged sign panels or supports, and kept free of weeds, grass or vegetation which obscures the view of the sign message, and shall not be in disarray or fallen over. Sign landscaping shall be maintained so as not to interrupt the view of the sign. The owner will be required to remove signs within 30 days or face citations for signs not maintained as required herein when notified by the Mayor or the Mayor's designee.
- (f) Obstructions. No sign shall block entrances or exits to buildings, including fire escapes.
- (g) Nonconforming, obsolete, and unpermitted signs. Signs which were lawful at the time of their construction or placement but are not in conformance with current ordinances shall be permitted as nonconforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, or has a change of use of the site. At that time, the sign, if replaced, shall be in compliance with this article.
- (h) Sight triangle. No sign shall constitute a hazard to traffic including, but not limited to, signs located within the sight triangle of an intersection. The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 35 feet along each pavement edge starting at the intersection point.
- (i) Permission of owner. Any sign erected with or without a sign permit, must have the property owner's permission, with the exception of signs allowed within the public right of way.

**Sec. 109-283. - Signs allowed without a permit.**

(a) Temporary Signs During a Period of Construction.

- (1) Residential districts; individual lot. A temporary sign during a period of construction on individual lots in residential districts, are subject to the following regulations:

- a. Number permitted: One temporary sign during a period of construction per street frontage identifying on the single sign builder.
  - b. Maximum area: Five square feet in total for all.
  - c. Timeframe: The sign shall be allowed at the time a building permit is issued, and shall be removed prior to the issuance of a certificate of occupancy.
- (2) Residential districts; subdivision. Temporary signs during a period of construction for a subdivision in residential districts, are subject to the following regulations:
  - a. Number permitted: One per street frontage of subdivision.
  - b. Maximum area: 32 square feet per sign face.
  - c. Maximum height: Nine feet.
  - d. Timeframe: The temporary sign during a period of construction shall be allowed at the time the first building permit is issued, and shall be removed within seven days of erection of a permanent subdivision sign or within one year of issuance of sign permit, whichever comes first.
- (3) Nonresidential districts. Temporary signs during a period of construction in nonresidential districts, are subject to the following regulations:
  - a. Number permitted: One per street frontage.
  - b. Maximum area: 32 square feet per sign face.
  - c. Maximum height: Nine feet.
  - d. Timeframe: The construction sign shall be allowed at the time a building permit is issued, and shall be removed prior to obtaining a certificate of occupancy or erection of a permanent sign or within one year of issuance of sign permit, whichever comes first.
- (b) Farm signage. Signs on farms of at least five acres in size and registered with the U.S. Department of Agriculture's Farm Service Agency (FSA) are allowed. A maximum of two signs are allowed per property location. Each sign size shall not exceed 32 square feet and must be maintained in good condition.
- (c) Flags. U.S., state, municipal, or other flags are allowed.
- (d) Hand-carried signs. Hand-carried signs are allowed.
- (e) Historic or Memorial site signs. Attached or freestanding signs at historic or memorial sites erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district are allowed. Such plan or program must employ uniform standards of eligibility. Historical or Memorial site signs are subject to the following regulations:
  - (1) Maximum area.
    - a. Freestanding: 18 square feet.
    - b. Wall: Six square feet.
  - (2) Materials. Each such sign or marker shall be made of metal, cast metal, cut masonry, brick, stone, painted wood, vinyl or other similar weather resistant, durable, permanent material.
  - (3) Condition. Historic or Memorial site signs must be kept in good condition.
  - (4) Location. A map showing the location of any and all historic markers must be filed with the city clerk's office.
- (f) Holiday decorations. Temporary lighting and displays that are part of customary holiday decorations are subject to the following regulations:



- (1) Time period. Displays and lighting associated with holiday celebrations shall not be illuminated more than 45 days prior to the holiday and shall not be illuminated more than 30 days after the holiday.
  - (2) Location. Such decoration shall not be located in the public right-of-way.
- (g) Identification signs.
- (1) Customary identification signs. These signs are described as those which are commercially made, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs and are no larger than three square feet in area per sign.
  - (2) Individual numbers. These signs are those posted on a structure or a post. They must be clearly visible from the road so that an emergency response vehicle can readily identify the location of the home or business. The numbers shall be of a color that contrasts with the background or made of reflective material and must be three to four inches in height.
  - (3) Location. Numbers must be displayed on the side of the building facing the street the building is addressed on. If the building is not visible from the street, the numbers must be displayed on a post facing the street the building is addressed on. The numbers should be located at least three to four feet from the ground so they are easily seen. The area surrounding this post must be kept neat and free of weeds, grass or vegetation so they do not cover up the numbers. If there is more than one address on a driveway, all addresses must be visible.
- (h) Interior signs. Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right-of-way or public space are allowed.
- (i) Non-readable. Any sign not readable either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located is allowed.
- (j) Temporary Signs During Public Elections. Temporary signs erected during public elections are subject to the following regulations:
- (1) Maximum size. Five square feet in residential areas and 18 square feet in nonresidential areas.
  - (2) Materials. Signs must be made of a durable, and non-destructible weather resistant material.
  - (3) Location. Signs are prohibited on utility poles, street signs, or any other permanent sign; signs cannot obstruct driver's vision clearances at an intersection; signs shall not be placed in public rights-of-way.
  - (4) Maximum number permitted. One per each 20 feet of street frontage the property borders.
  - (5) Timeframe. Signs erected pursuant to this subsection (k) shall be allowed no earlier than sixty (60) days prior to a public election date and shall be removed within two (2) days after the public election date or after any runoff public election date.
- (k) Public notice. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance. The location must be on file with the community development services department. Sign must be removed within three days of date of posted event.
- (l) Public park signs. Signs in public parks erected by a government agency that are no greater than four feet in height are allowed.
- (m) Public sign. Any federal, state or local traffic control or other public sign is allowed.

- (n) Temporary Signs Erected During Real Estate Sale. Temporary signs erected during any period when the sale, lease, or rent of real estate is being attempted shall be subject to the limitations of the following table:

Zoning District	Maximum Number	Max. Area per Sign	Max. Height	Special Restrictions
Residential	1. One freestanding per street frontage. 2. One wall per dwelling unit. 3. One freestanding per property line with golf course or lake frontage.	Six sq. ft.	Four ft.	<ul style="list-style-type: none"> <li>• Two riders permitted as long as maximum area not exceeded</li> <li>• Signs must be removed within 72 hours of property closing.</li> <li>• May not be illuminated.</li> <li>• 4. Balloons and attention getting devices prohibited.</li> </ul>
Non-residential	One freestanding per street frontage.	32 sq. ft.	Nine ft.	<ul style="list-style-type: none"> <li>• Two riders permitted as long as maximum area not exceeded.</li> <li>• Signs must be removed within 72 hours of property closing.</li> <li>• May not be illuminated.</li> <li>• 4. Balloons and attention getting devices prohibited.</li> </ul>
	One wall per dwelling unit.	Nine sq. ft.	Nine ft.	
For open houses only: off-site directional in all districts	Five per project or property	Six sq. ft.	Four ft.	<ul style="list-style-type: none"> <li>• Must include the property address and hours of the open house.</li> <li>• Two riders permitted as long as maximum area not exceeded.</li> <li>• May not be placed more than five miles from the property at intersections only.</li> <li>• May be placed on the morning of the open house.</li> <li>• Must be removed at the end of each day of the open house.</li> <li>• May not be illuminated.</li> <li>• Balloons and attention getting devices prohibited.</li> </ul>

- (o) Stadium signage. Signs within city and school stadiums are allowed.
- (p) Traffic control signs. Traffic control signs on private property such as "stop," "yield," and similar signs, the face of which meet Arkansas Department of Transportation standards, are subject to the following regulations:
- (1) Maximum area: Eight (8) square feet.
  - (2) Subject: Such sign shall not contain a logo or commercial message.
- (q) Signs on Vending machines, ATM, gas pumps. Signs on Vending machines, automatic tellers, or gasoline pumps shall not exceed thirty-two (32) square feet in area per side. The display shall be an integral part of the machine or pump.
- (r) Window signs. Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed forty percent (40%) of the window area. One sign displayed during any period employment opportunities for an on-site business is being procured, is allowed, exempt from a time requirement, subject to a maximum area of five square feet or 40 percent of the window area, whichever is less.
- (s) Signs During Period of a Yard Sale. Signs erected during a yard, garage, moving, estate, auction, and rummage sale, are subject to the following regulations:

- (1) Time period. No sign shall be posted more than three days prior to the sale. Signs must be removed no later than the final day of the sale.
- (2) Maximum area. Five (5) square feet.
- (3) Maximum number permitted. One at the site of the sale and five off-site private signs.
- (4) Materials. Signs shall be made of a durable, non-destructible, weather-resistant material. Cloth, paper, cardboard and similar materials, unless laminated, are not allowed.
- (5) Location. Signs shall be placed no farther than five road miles from the location of the sale. Signs shall be placed at least six feet distant from the edge of the nearest paved road, shall be located at intersections only, and be securely attached to the ground with a pole or stake. Signs are not allowed on street signs, utility poles, directional signs, mail boxes, trees or similar permanent existing signage; signs are not allowed freestanding attached to a box, rock or similar device.

**Sec. 109-284. - Signs allowed in a public right-of-way.**

- (a) In public right-of-way. No sign, including supports, frames, and embellishments, shall be located within a public right-of-way or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted in subsection (b) of this section.
- (b) Exemptions.
  - (1) Emergency. Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way. No permitting required.
  - (2) Public. Signs erected by the city, county, state or federal government. No permitting required.
  - (3) Private. Small signs referred to in sections 109-283 and 109-285 are allowed in the right-of-way, however they must be at least six feet from the nearest paved street, securely fastened to the ground, readable from a moving vehicle, and made of weather-resistant material. Such signs shall not create a cluttered, unsightly condition due to close proximity to one another. Signs must be removed upon expiration of any time period or event authorizing such sign.
  - (4) Use of structures within the public right-of-way. Placement of temporary signs on overpass railings within the public right-of-way shall be allowed upon permitting procedures under section 109-285.

**Sec. 109-285. - Temporary signs.**

- (a) Permit required. Temporary signs during special sales events and promotions, fund raising events, new business openings, and non-recurring activities of interest to the general public must obtain a temporary sign permit, subject to the regulations of this section.
- (b) Time. Temporary sign permits must be approved by the community development services department a minimum of three (3) days prior to the intended display period.
- (c) Materials. Temporary signs shall be commercially made of a durable, non-destructible, weather-resistant material. Cloth, paper, cardboard and similar materials, unless laminated, are not allowed.
- (d) Permit types. Four types of temporary sign permits may be issued by the community development services department:
  - (1) New business. This permit shall be a new business opening.
  - (2) Special sales event/promotion for an existing business. This permit shall be for a special sales event or promotion, rather than a routine business activity, for a business location in a nonresidential district.



- (3) Non-recurring events. This permit shall be for signs during fundraising events, special events, or activities of interest to the general public typically held once a year. Political events are exempted from this type of permit.
- (4) Recurring events. This permit shall be for signs during fundraising events, special events, or activities of interest to the general public that occur on a recurring basis described as monthly, bi-monthly, weekly, or bi-weekly.

The following table shall govern individual temporary sign permit requirements:

Permit Type	Max. Permits	Type of Sign	Max. Signs / Permit	Max. Area (sq. ft.)	Display Period
New Business	One	Banner		32	30 days
		Free-standing		5	
Special Sales Event / Promotion for an Existing Business	Four per year	Banner	One	32	15 days
		Free-standing		5.	
Non-recurring Events	Two per year per property	Banner	Six	Non-residential: 32	14 days prior to event and three days after (Maximum of 24 consecutive days)
		Free-standing		Residential: 5.	
Recurring Events	One per year	Banner	Six	Non-residential: 32	<u>Monthly:</u> May be placed seven days prior to the event and removed the day the event ends. <u>Other occurrence:</u> May be placed three days prior to the event and must be removed the day the event ends.
		Free-standing		Residential: 5	

- (e) Private signage in Public Right of Way. Recurring and non-recurring permit types shall allow private signage in the public right of way subject to the following:
- (1) Maximum number.
    - a. For recurring event permits, a maximum of 40 signs may be erected.
    - b. For non-recurring event permits, a maximum of number of ten signs may be erected.
  - (2) Maximum height. Private signage is limited to three feet in height.
  - (3) Maximum area. Signs are limited to five square feet in area.
- (f) Banner signage. Regardless of permit type, banner signage permitted shall be attached to a building or be hung tautly by providing a member across the top of the banner to ensure that the sign does not sag and become unreadable.
- (g) Freestanding signage. Regardless of permit type, freestanding signage must located on private property within ten feet of main entrance.
- (h) Prohibited locations.
  - (1) Unless specifically allowed by the provisions of this Article, temporary signs shall not be located in the public right-of-way.
  - (2) Signs are prohibited on utility poles, street signs, or any permanent signs; signs cannot obstruct a driver's vision clearances at an intersection.
- (i) Conformance with other regulations. The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

**Sec. 109-286. - Permanent signs.**

- (a) Permit required. Permanent signs must obtain a sign permit as outlined in section 109-46, subject to the regulations specified in this section.
- (b) Maximum area limitations. All signs, regardless of type, located on individual parcels in commercial and industrial districts permitted under this section shall be limited to maximum signage area per parcel as follows:

**TOTAL SIGN SQUARE FOOTAGE AREA TABLE**

Zoning District	Total Maximum Square Footage Area for All Types of Signs per Parcel
C-1	250 sq. ft.
C-2	350 sq. ft.
C-3	425 sq. ft.
C-4	500 sq. ft.
I-1	425 sq. ft.
I-2	500 sq. ft.

- (c) Attached signage. Permanent signage attached to or integral to a building or structure are subject to the following regulations. The following table shall govern individual attached, permanent sign type requirements:

Sign Type	Zoning District Limitations	Maximum Area	Setback	Special Restrictions
Awning	N/A	25 percent of awning surface	<ul style="list-style-type: none"> <li>• Must be flat against awning surface.</li> <li>• Two feet minimum horizontal distance from the back of curblin of any street or parking area.</li> </ul>	<ul style="list-style-type: none"> <li>• Fabric may not extend more than one foot below its rigid mount.</li> <li>• Must maintain eight feet vertical clearance above a public right-of-way or front yard setback.</li> </ul>
Marquee	Non-residential districts only	25 percent of wall surface to which the sign is attached.	<ul style="list-style-type: none"> <li>• Two feet minimum horizontal distance from the back of curblin of any street or parking area.</li> </ul>	<ul style="list-style-type: none"> <li>• Must maintain eight feet vertical clearance above a public right-of-way or front yard setback.</li> <li>• May extend the full length of the building facade.</li> </ul>
Projecting	Non-residential districts only	25 percent of wall surface to which the sign is attached.	<ul style="list-style-type: none"> <li>• May extend a maximum of six feet into a required front setback.</li> <li>• Two feet minimum horizontal distance from the back of curblin of any street or parking area.</li> </ul>	<ul style="list-style-type: none"> <li>• May not extend above top of the wall to which it is attached, except a sign 18 inches in width may project a maximum of two feet beyond the top of the wall.</li> <li>• Must maintain eight feet vertical clearance above sidewalk.</li> </ul>
Roof	N/A	25 percent of roof surface	N/A	<ul style="list-style-type: none"> <li>• May not project above the height of the building or roof.</li> <li>• Roof signs are limited to a single roof surface. Multiple roof signs are prohibited.</li> </ul>
Suspended	Non-residential districts only	25 percent of wall surface to which the sign is attached.	Two feet minimum horizontal distance from the back of curblin of any street or parking area.	<ul style="list-style-type: none"> <li>• Must maintain eight feet vertical clearance above sidewalk.</li> </ul>
Wall	Non-residential districts only	25 percent of wall surface facing a right-of-way.	N/A	<ul style="list-style-type: none"> <li>• May not cover more than 80 percent of the wall's width.</li> <li>• Each wall parallel to a right-of-way may contain one sign.</li> </ul>

- (d) Canopy signs. Canopy signs shall be permitted in nonresidential districts, subject to the following regulations:

- (1) All canopies. In no case shall the sign extend beyond the vertical edge of the canopy it is attached to.
- (2) Setbacks. Canopy structures must adhere to the building setback requirements of article III of this chapter.
- (3) Maximum area. Canopy signs are limited to 25 percent of the wall area on each side of the canopy.
- (4) Signage attached to or integral to a building or structure shall be no higher than the roofline of the building or structure to which it is attached.
- (e) Monument signage. Monument signage is subject to the following regulations:
  - (1) Maximum height. Detached signage located on individual parcels in commercial and industrial districts permitted under this section shall be limited in height by district as follows:

**DETACHED DISTRICT HEIGHT LIMITATIONS TABLES**

Zoning District	Maximum Sign Height
C-1	9 feet
C-2	12 feet
C-3	18 feet
C-4	25 feet
I-1	15 feet
I-2	18 feet

- (2) Maximum area. Detached signage located on individual parcels in commercial and industrial districts permitted under this section shall be limited in area by district as follows:

**DETACHED DISTRICT AREA LIMITATIONS TABLES**

Zoning District	Maximum Signage Area per Side of Sign
C-1	32 sq. ft.
C-2	50 sq. ft.
C-3	75 sq. ft.
C-4	100 sq. ft.
I-1	75 sq. ft.
I-2	100 sq. ft.

- (f) Sign landscaping. All permitted permanent monument and freestanding signs require:
  - (1) A defined, bordered, landscaped area at the base of the sign.
  - (2) The required landscaped area shall be parallel to the face of the sign.
  - (3) The required landscaped area shall be at least 50 square feet in area, be kept neat, weed-free and in compliance with the original site plan.
  - (4) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
  - (5) The required landscaped area shall contain living plant materials covering at least 50 percent of the defined landscaped area. Artificial plant materials are not authorized for use.
  - (6) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

**Sec. 109-287. - Prohibited signs.**

- (a) Billboards and permanent freestanding signs. Billboards and permanent freestanding signs are prohibited.



- (b) Fluctuating illumination. Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns are prohibited. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited.
- (c) Damaged signs. Signs which have broken supports, are in disarray or fallen over, are not in good condition, or are overgrown with vegetation, are nonconforming to these regulations.
- (d) Off-site signs. Permanent off-site signs are signs that direct attention to a business, commodity, service, event or entertainment not conducted, sold or offered on the premises where the sign is located are prohibited.
- (e) Portable sign. Any sign not securely affixed to the ground or other permanent structure is prohibited.
- (f) Roadside markers. Signs or memorials commemorating a death location are prohibited.
- (g) Rotating or revolving signs. These signs, lighted or not, are prohibited.
- (h) Strung lights. Lights strung across buildings or property, except those allowed under section 109-283(f), are prohibited.
- (i) Vehicle signs. Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way are prohibited. This definition is not to be construed to include those signs on a vehicle as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.
- (j) Windblown. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs and balloons are prohibited.
- (k) Other. All other signs which are not expressly allowed, with or without a permit, are prohibited.
- (l) Banners. Banners are not allowed except for those allowed under section 109-285.

**Sec. 109-288. - Appeals.**

- (a) Appeals of this article shall follow the procedures for variances as outlined in section 109-42.